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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

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January 2, 1991

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Mr. Stephen Coyle, Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Re: EOEA #2383, Charlestown Navy Yard Redevelopment

Dear Mr. Coyle:

I have reviewed your Notice of Project Change (NPC) dated October 31, 1990, regarding the Charlestown Navy Yard (CNY) redevelopment, a project that is subject to environmental impact review pursuant to the Massachusetts Environmental Policy Act (MEPA). The NPC was published in the Environmental Monitor of November 7, 1990, and I have received many comments from citizens and state and federal agencies. I have reviewed the January 1977 Final Environmental Impact Report (FEIR) and the February 19, 1978 Addendum for the CNY.

In the NPC, you requested that I make a number of determinations regarding (1) certain portions of the project known as "Phase 1", (2) the Master Plan for the entire CNY, and (3) the level of environmental review that will be required for the remainder of the projects proposed for Yard's End. I will address each of these requests in turn.

1. You have requested a determination that three proposed projects, referred to collectively as "Phase 1," require no further MEPA review. These projects are the first building of a proposed 3-building Biomedical Research Center (Building 1 on Parcel 7), a hotel/conference center to be located on Parcel 4, and a 150-slip marina with accessory uses and parking to be located on Pier 9.

The marina described in the NPC does not differ significantly from that proposed in the FEIR. The Pier 9 Marina as now proposed contains 150 boat slips as opposed to the 200 boat slips in the FEIR. The proposed marina will include accessory marina uses on the remaining portions of the pier and up to 12,000 square feet (sf) of restaurant, yacht club, and accessory uses on adjacent Pier 8. A large portion of Pier 9 may have to be demolished and removed to accomplish the proposed

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plan. Although plans for the marina may go forward, the Redevelopment Authority (BRA) should submit a detailed site plan of the proposed 150-slip marina showing the marina as well as any other additional facilities proposed as part of this project to the MEPA Unit. This material must be circulated to those who have commented on the NPC.

The proposed hotel is smaller than the one described in the FEIR (400 rooms as compared with 700 rooms). Total enclosed parking for the hotel is 175 spaces. The maximum height of the building would be 135 feet, with the portion of the project site adjacent to 13th Street stepping down to 90 feet. A 12-foot wide pedestrian access network will be installed within the Waterfront Yard Area of 30 feet along the Boston Inner Harbor. The hotel is a major facility of public accommodation that is operationally-related to the New England Aquarium (NEA) project.

Based upon the factors cited in 301 CMR 11.17, it is my opinion that this proposed hotel does not significantly increase the environmental impacts of the earlier approved 700-room hotel. However, because of the development of new waterways regulations in the years since the FEIR was approved, some aspects of the hotel, such as height, are now subject to regulation. Therefore, in order to develop mitigation measures regarding wind, shadow, and other conditions of the ground level pedestrian environment (including visual access considerations), the BRA should prepare a Section 61 Finding, to be submitted to the Secretary for public review and comment prior to issuance of the Chapter 91 permit. The Section 61 Finding will supply the Department of Environmental Protection (DEP) with a reasonable amount of site-specific information for licensing purposes. Any additional changes to the proposed hotel must be submitted to the MEPA Unit as a NPC and circulated accordingly.

The NPC, as further explained in correspondence from the BRA of December 31, 1990, describes Building 1 of the Biomedical Research Center. The building will have a footprint of 35,000 sf, the atrium footprint will be 17,250 sf, and there will be up to 300 parking spaces provided on 3 floors. Ground floor commercial space will be 2700-7100 sf. The Massachusetts Historical Commission (MHC), in consultation with the BRA, has established that the height of this building shall not exceed 125 feet, which would lead to a total square footage of 262,000 sf. This is not significantly different from the 250,000 sf of light industrial space that was approved in the FEIR. Although the building will be designed in such a way that it can be connected to Buildings 2 and 3, it has independent utility and does not



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necessitate the completion of Buildings 2 and 3.

Building 1 will have to demonstrate compliance with the new Chapter 91 regulations and Boston Municipal Harbor Plan. Issues of height, massing, shadow and wind impacts, and public accessibility are being addressed in the Municipal Harbor Plan and should be described in a Section 61 Finding to be filed with the Secretary prior to issuance of the Chapter 91 license. While this type of information could be provided in a Supplemental EIR, I am comfortable not requiring such a report provided that the building adheres to the MHC's height limit and the other parameters set forth in this letter and that the proponent works with the BRA, DEP and CZM to address the impacts and public accessibility concerns I have identified above.

2. Your second request is that I determine that the issues of traffic, air quality, infrastructure, historic preservation, and waterways have been adequately studied on a master plan basis. The 1990 Master Plan for the CNY is considerably changed from the plan described in the 1978 FEIR. In addition, numerous regulatory policies and requirements have been promulgated since the 1978 plan was approved. I feel it would be inappropriate for me to issue a determination on the adequacy of the Master Plan without affording the public and permitting agencies the opportunity to review and comment on the plan.

Therefore, I am requesting that you formally submit the 1990 Master Plan for review and comment in accordance with normal MEPA procedures. Copies of the plan and any appendices should be circulated as required in the MEPA regulations, and receipt of the Master Plan will be published in the Environmental Monitor for a 30-day public comment period. It is my intention that this report be treated as a Draft Supplemental EIR.

3. You make an additional request that I establish scopes of further review of Buildings 2 and 3 of the Biomedical Research Center and the NEA. In my view, the appropriate first step for review of these projects is the filing of ENFs for the Biomedical Research Center (Buildings 2 and 3) and NEA. At the present time, without the information an ENF and public scoping session would provide, I am not in a position to determine the scope of further review for these projects. Of course, to the extent that area-wide or generic issues are being addressed in the BRA's Master Plan, they would not have to be addressed in the individual EIRs prepared for the NEA and the Biomedical Research Center. EIRs required for these projects would naturally focus on the environmental impacts specific to the projects.

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I cannot find that the impacts of Buildings 2 and 3 of the Biomedical Research Center and the Aquarium have been adequately studied. Therefore, given the need for further environmental review of these projects, the 1978 FEIR does not constitute a "certified Draft EIR" for the purposes of grandfathering these projects pursuant to the Chapter 91 regulations.

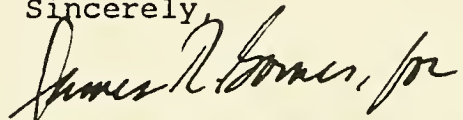
4. Finally, you have requested a determination that the scope issued in 1987 for the proposed housing development on Pier 5 (110 dwelling units) remain in effect, and that any Supplemental EIR be in the context of that project's conformity with an approved Boston Municipal Harbor Plan, as applicable. The draft Supplemental EIR for Pier 5 should analyze and discuss the proposed project's permissibility pursuant to the new Chapter 91 regulations, and the Boston Municipal Harbor Plan, to the extent that such a Plan is in place and governs the Pier 5 development. The report should comply with the Secretary's scope, as clarified by DEP's letter of October 26, 1987. The reduced residential density alternative should include 100 percent ground floor facilities of public accommodation. Development on Pier 5 must also address the Section 106 historic process. The MHC recommends a maximum building height of 55 feet. Since no supplemental draft EIR for Pier 5 has been approved by this office, the project is not considered to be grandfathered under the new Chapter 91 regulations.

In conclusion, I find that the Pier 9 Marina, the hotel and Building 1 of the Biomedical Research Center may proceed without the need for a supplemental EIR. A detailed site plan of the marina and Section 61 Findings with respect to the hotel and Building 1 should be filed with the MEPA Unit. The 1990 Master Plan should be submitted for public review and comment as a Draft Supplemental EIR. The proponents of other projects in the Navy Yard should file individual ENFs for these projects, so that individual, project-specific scopes can be issued for them. Finally, Pier 5 development must adhere to the 1987 Scope for a draft Supplemental EIR as modified by this letter.

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If you wish to discuss this letter or have any further questions, please telephone Janet McCabe of my staff.

Sincerely,

A handwritten signature in dark ink, appearing to read "James R. DeVillars, Jr.", written in a cursive style.

John DeVillars, Secretary

JD/WTG/wg

